App. F. IX-4

Previous References.

1938
~~1946~~ (Law.)

File No. 46 - 38

Serial Nos. 1-14

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. fourteen only

Part B for June 1945.

SUBJECT

Recovery of Court fee in respect of O.S. No. 74/22-23 on the file of the Subordinate Judge Bangalore — Question as to whether Court fee in question can be recovered after a long lapse of time. P. 8053-61 By M. & C.

To All Deputy Commissioners

Issues directions to watch the progress of pauper suits and appeals and take action for the recovery of Court fee in accordance with the instructions in the Manual of Rules

General and Revenue Secretariat | Law File No. 46 of 1938. [App. F. III—2

Serial No

From

The D. C.

Bllore.

Letter no. C6-Pet. 229...37, dy 15-9-38

Requests in the circumstances reported, legal opinion whether the decree passed in O. S. No. 74/22-23 on the file of the Sub-judge, Bangalore could be executed now.

1) Kind reference is invited to Flag B ~~wherein~~ which the circumstance in which the decree passed by the Sub-judge, B'lore in O. S. No 74/22-23 could not be executed, has been detailed. The D.C., B'lore Requests legal opinion whether it could be executed now.

2) The Govt Advocate may be Consulted ~~unofficially~~ in matter un-officially.

3) Has any notification or rule issued under Section 5 of the Limitation Act making that Section applicable to execution applications?

Law File No. 46

5) I am afraid that any attempt at present to execute the decree in favour of Govt would be barred by time, as the decree is nearly 12 years old and no execution petition has been filed so far we cannot even invoke the aid of Section 5 of the Limitation Act, as the Section has not been made applicable to execution applications.

BKR

Asst Secy

6) The decisions appear to be that applications for execution by Govt for recovery of Court fee are subject to the law of limitation. The D.C states that the copy of the decree does not appear to have been sent to him by the Court (XXXII R 14 makes it obligatory on the Court to send a copy of the decree to the Collector) Unless this is done the D.C will not be in a position to know that a decree for Court fee has been passed in favour of the Govt

General and Revenue Secretariat — Law File No. 46 of 193 8 — [App. F. III–2

Serial No.

U.O.No. P 2108 dated 7/11/38

FDD 360/38-2
8/11/38

Forwarded with compliments,
Orin Spr Advocate, for favour of advice
B.K.Ramakrishnaya
31.11.38 for Asst Secy

FDD. 31/38-2
24.11.38

8/ Returned with compliments.

I should like to look into the original records of this case. The same may therefore be kindly obtained and made available to me.

I should also like to have a search made in the "To" Register maintained in the Court of the Subordinate Judge, Bangalore, for a period of three years from the date of Decree, viz., 17-12-1926, to find out if no reference was really made by the Court to the Deputy Commissioner for realization of the amount of Court-fee in question, as there is no reference from the Subordinate Judge available in the file to show that a copy of the decree was not sent to the Deputy Commissioner.

1844 V 4335

Recovery of institution fee in O.S. 74/2 on the files of the Sub-Judge, Bangalore

File No. 46 of 1938

General and Revenue Secretariat

Serial No.

From

The Registrar, High Court

Letter No. R.O.C. 616 dated 4-1-39

forwards the records in O.S. 74/22-23 on the file of the Sub-Judge Bangalore and a copy of letter from the Sub-Judge - B-Core to D.J. Judge -

1) The records will be sent if applied for unofficially to the G.A. with reference to para 8 of the note.

1/39

2) forwarded with compliments to the Govt Advocate in Mysore

6/1/1939

Returned with compliments.

(1) Though it might have been perhaps possible to argue that a suit by the Government for the recovery of Court-fee was maintainable when the period of limitation would be, of course, 60 years, before 1911, after the introduction of the new Code of Civil Procedure in that year, Rule 13 of Order 33 made it clear beyond doubt that the question could not be raised in a suit, but should be decided only under section 47 of that Code. If the Court had not passed the order for the recovery of the Court-fee as it did in this case, the Government could have asked the Court to make an order to that effect at any time according to Rule 12, Order 33, C.P.C.

Serial No.

(2) There does not seem to be any reason why the delay should be condoned in filing the application - for execution even if section 5 of the Limitation Act be made applicable, which cannot be done, nor is it - possible in the circumstances to bring the case under Section 18 of the Limitation Act as it is difficult - to allege fraud in the sense in which it is used in a case of this kind much less to prove it. In my opinion it is inexpedient also for the Government to - take their stand on this basis of fraud, which can - only be by the concerted action of the concerned officials of the office of the Sub-Court, Bangalore, and the party made liable to pay the Court-fee.

(3) Though one can more reasonably suspect that there must have been somebody at work who prevented - the despatch of the copy to the Deputy Commissioner - not merely in the usual routine, but also in obedience to the statutory provision of Rule 14 of Order 33, CPC, and the express direction of the learned Judge on - 17-12-26 (vide: order sheet of that date in the records of the case), it is very significant that the - Plaintiff should have drawn the attention of the - Deputy Commissioner to the liability of the defendant who is not unconnected with him, to pay Court-fee after such an inordinate length of delay as to make it absolutely certain that the Deputy Commissioner would be remedyless. What made this party to keep quiet - for such a long period and what prompted him to remind the Deputy Commissioner of his rights after such a great interval are somewhat mysterious.

I regret

WD 0544—GPB—30,000—2-9-83

Recovery of Institution fee in O.S. 74/22-23 on the file of the Sub-judge, B'lore

Law File No. 46 of 1938.

④ I regret I cannot suggest any course to be adop by which the party made liable by the Court in its di rection in the Judgment can be made to pay the amount which was Rs.600/- and odd in 1926 and with reasonabl of 6 per cent per annum, will exceed Rs.1,000/- now.

⑤ The Deputy Commissioner cannot be expected to e on the look out for carrying out the directions-ma the several courts in cases where suits or appeals re filed in forma pauperis, unless copies of the de rees containing such directions are forwarded to him hat is why we find an express duty laid on the Court lving the direction to send copies of its orders to-- he Deputy Commissioner concerned, (vide: Rule 14 of - rder 33, C.P.C.). This statutory provision was re- nforced by an express direction by the learned Judge n 17-12-1926, (vide: the order of that date in the Ord neet already referred to). How to recoup the loss - n this particular case and how to prevent a loss of - he kind occuring hereafter, are points worthy of the

Serial No.

of the decree of Court for has been filed & execution appears to be barred by Art 182 limitation Act. The Court is bound under O 33 R 14 to send a copy of the decree for which is to be D.e. The omission on the part of the Court has led to this trouble. This may be brought to the notice of the High Court. They may also be requested to make suggestions if necessary how to prevent such failures in future.

OFFICE OF THE MEMBER OF COUNCIL
JAN 31 1939
6101

(Dr Menon)

30/1/39

BKR 30-1-39

16) NLL 2/2/39

2/2/39

2/2/39

BKR 2-2

D.O. to the Registrar, High Court, is put up as instructed.

BKR 14-2

Asst Secy)

18)

19) DSRao BKR 15

WD 0544—GPB—30,000—2-9-38

D.O. No. 4426, dt 16-2-39

From
The Registrar
High Court of Mysore
B'lore

Letter no R.O.C 616/38-39, dt 22-2-39
Forwards a copy of letter from the Dist judge, B'lore, stating that on a reference to the Kannada "To" Register of the B'lore Sub-Court, it is found that the decree copy was sent to the D.C. with To no 290, dated 12-1-1927.

20) A copy of this may be sent to the D.C., B'lore for further scrutiny and for fixing the responsibi for the non-execution of the decree.
Subs for orders.

21) P.U.D and its enclosure are for perusal. A copy of the P.U.D may be sent to the Dy Commr Bang. for his further report

BKR 25

Addl Secy

22) Let us

23) Draft BKR 24-2

24) Subs with a draft for approval

25) Sd BKR 25-2

Attnd no P 4238, dt 4-3-39

TYPING SECTION 1939 GEN. & REV. SECTT.

Sup A
4-3-39

Serial No.

From

The D.C

Bellary

Letter no C6-4718-198/38-29, dt 9-5-29

States that it is ascertained on a referen to his office registers relating to the period that a copy of the decree in question has not been received in his office etc:, and requests in the circumstances stated that the possibility of executing the decree may considered etc: Refce paras 21 to 23 supra.

26) The D.C. says that it is ascertai on a reference from his office registers that a copy of the decree in question has not been received in his office.

27) In para two of his letter (P.U.2 the D.C ~~says~~ points out the circumsta by which, he thinks, there is a possibl of executing the decree.

28) The decree is 12 years old and any attempt to execute it would be barred by time as observed in para 5 supra

The Govt Advocate may have to be consulted. Submitted for orders.

12/5

29) While it is stated from the Dist

Please Mr. [illegible] Govt Advocate [illegible] Circumstances [illegible] 12/5 [illegible] D.C to

Court that a copy of the decree in question was sent by the office of the Subordinate Judge, to the Dy Commr as early as Jan 1927, the Deputy Commr reports that no such copy was received in his office. As already observed, the decree is barred by time (See para 15 supra, and there is no possibility of executing the decree.

30) In these circumstances the matter may perhaps be dropped

BKR
17.5

Asst Secy)

31) So far as the present case is concerned the decree is barred & execution is not possible. Some steps have to be taken to prevent such failures in future. The Sub-Court states that copy of the pauper decree has been sent to D.C. & this is corroborated by an entry in their 'To' register. But D.C. Bangalore states that copy of decree has not been received in his office. I think the D.C. should be informed about the institution of all pauper suits or appeals & his office should arrange to watch the progress till final disposal of the matter. The High Court might communicate

(for Members)

Cl
18/5/38

BKR
18.5

BKR
20/5

CENTRAL SECRETARIAT
FIRST BRANCH OF COUNCIL
MAY 19 1939
No. 9193

6921
P

General and Revenue Secretariat — File No. 46 of 1938. [App. F. III–2

Serial No.	
33)	D.f. as per orders in para 31 supra is put for consideration.
	30/5/39
	34) For approval
	BKR 1.6.39
	Gen. Secy)
	34) [illegible] 2/6
	6) I shall BKR 2.6
	Attached no. P 6246, dt. 5-6-39 to the Regr., High Court.

GENERAL SECRETARY 2 JUNE 1939

From

The Registrar

High Court of Mysore

Bilore

Letter no R.O.C. 616/38-39, dt 27-7-39 states that there is sufficient provision in Order xxx Rules 6 and 14, and Order xliv Rule 1 of C.P.C. and that decrees in such suits and appeals are also sent as required by Order xxx Rule 14, and that in respect of applications for permission to appeal in forma pauperis notices are not sent to the Dr's though there is provision for issuing such notices and that the High Court is of opinion that

necessary instructions will be issued to the Sub-Ordinate Courts.

From

Mr. Adappa

Cubbonpet

Bangalore City.

Petition dated 31st July 1939

Prays in the circumstances stated for immediate Relief Steps being taken to recover a certain Sum from the judgment-debtors in O.S. 74 of 22 on the file of the Sub-Judge, Bangalore

38) Reference para 31 Supra

The Registrar, High Court has sent a Reply in P.V.D.I. The same is submitted for perusal.

38) In respect of the case in question one Mr. Adappa has sent a petition to the Chief Secy. (P.V.D.II) which is also for perusal and orders.

39) The question of his Govt Claim has already been settled vide Para 31. However Mr Adappa's Applicant calls for an explanation. The Registrar, High Court has issued instructions in the [illegible]

(41) Put up draft letter to D.C.'s to keep a register of pauper cases from the time they receive notices & progress should be watched. They should ascertain results from the Courts and in a decree for restitution fee is given, steps should be taken to ascertain.

(41) Board can first what the practice now is?

C.
3/8/38

3
418

(42) A draft letter to the Commissioner of Dists, as per orders in para 41, is put in P. & D. II - Adepha's petn. it is stated that in Ex 2026/26-27 on the file of Sub-Judge, B-Lone, proceedings have been instituted to sell the properties, including his portn for recovery of arrears due to Govt. The petition may perhaps be referred to the Dy Comm B-Lone Distt, to make a report on the points stated in the petn and to state how his previous petitions, referred to in para 3 of the petition have been disposed of and with what result. Should with

65√ 1298√ 1538√ 2005

watching of progress in Pauper Suits

Laws | File No. 46 of 1938 | General and Revenue Secretariat.

Serial No.	
10	

From

(1) the D.C.

Shimoga

Letter no. A3.C. 818/39-40, dt 26-8-29

Intimates the practice prevailing in his district.

44) Replies from the other D.Cs will if approved be awaited

Sd/- M. 5/9/

Sd/- A.E. 5-9-

From

2) the D.C

Kadur

Letter no. L.Dis A7.C.885/39-40, dt 4/9/39

Intimates the practice prevailing in his district.

45) Communications from the other Dcs will be awaited

Sd/- 7/9/39

Sd/- B 8-9-39.

Sd/- 7/9 8.00

From

(3) the D.C.

Chitaldrug

Letter no. A7.C.786/39-40, dt 19-9-39

Intimates the practice in his district

46) Replies from the other Dcs. to be awaited

2005 √ 2197 √ 2392 √ 2873.

Re: Watching of progress on Pauper Suit

General and Revenue Secretariat. | Laws File No. 46 of 1937 | [App. F. III-2

Serial No. 13

From

(4) the D. C

Hassan

Letter no L.Dis C.1525/39-40, dt 26/9/39

Intimates the practice in his distt

47) A few more D.Cs have not yet sent their Replies. They will be awaited.

3/3/40

2/10

(5) From

the D.C.

Kolar

Letter no L.Dis. 29.1753/39-40, dt 4/10/39

Intimates the practice in his district

48) Replies from the Remaining D.Cs will be awaited

3/10/40

14/10

(6) From

the D.C.

Mandya.

Letter no M. 2. 2172/39-40.

Intimates that the practice in other [illegible] is not followed in his district also, which is a new district.

49) Replies from the remaining D.Cs will be awaited

3

Watching of progress

Sabarmilla

As ordered in para 41 supra all the Deputy Commissioners were asked to state the prevailing practice in respect of suits and appeals filed in forma pauperis from the date they get notice in those proceedings till the Govt claim for institution fee thereon is satisfied. In reply to this reference all the Deputy Commissioners except Kolar, Bangalore, Mandya and Tumkur Districts, have unanimously stated that on receipt of notice from court under Rule 6 order XXXIII of C.P.C enquiries will be made as to the real status of the applicant and if it is found that he is really a pauper, such application will not be disputed. It is further stated that if it is found that the pltf has got means to pay court fee. The Court will be informed accordingly as regards procedure to be followed after the receipt of the copy of decree from court, they have stated that steps will be taken for recovery and if

2879/39

C. F. 69] Re watching of progress in pauper suit

Continuation Sheet. File No. / Current No. of Page.

it is found that there are no prospects of recovery, a recommendation will be made to write off the amounts as irrecoverable.

The D.C. Mandya has stated that it is a new District and that instructions have been issued to the Amildars to follow the procedure prescribed in G.O. No R.11306-26-St-11-4 dated 11.4.21 (page 287 of Stamp Manual).

The Deputy Commissioner of Kolar, Bangalore and Tumkur appears to have not replied to the reference made from this office. At this distance of time, there appears to be no need to remind them on this point.

Kind reference is invited to Rules 127 (ii) and 139 of the Manual of Rules for the conduct of the legal affairs of Govt which lays an express duty on the part of the Deputy Commissioners to maintain a Register to watch the progress in the collection of institution fee after the receipt of decree copies from the Courts and to send the extracts of this Register to Govt every half year. This is being followed at present and necessary timely

WD 02139—GPB—20,000—26.7.45

instructions are also being given scrutinising these statements. But as observed in para 40 supra ~~over~~ some thing more required to be done by the Deputy Commissioner. They have to maintain ~~a~~ and the register of pauper cases in which notices under O. 33 R ~~of~~ O 44 R 1 C.P.C. are received, watch the progress of the case and ascertain the result from the Court and if a decree is given for restitution fee, they to take further steps for Recovery as laid down in the Manual of Rules. All the Deputy Commissioners should be instructed as

In all future communications please quote
No. C6-Pet.226/38-39.
Enc. One file of records.

Tel. Address.—"DEPCOM"
Post Box No. 34.

OFFICE OF THE DEPUTY COMMISSIONER,
BANGALORE DISTRICT.

Dated, Bangalore, the 15th Septr. *1938.*

Law 46-38-1

FROM

Abdul Aziz Khan, Esq., B.A.,
Deputy Commissioner,
Bangalore District.

To

GENERAL SECRETARY.
16 SEP. 1938
Law

M. Venkatesa Iyengar, Esq., M.A.,
Secretary,
to the Government of Mysore.
General Department, Bangalor

SIR,

Subject:—

In forwarding herewith a copy of this office letter No.C6-Pet.226/38-39 dated 6-9-1938 addressed to the Government Advocate and a copy of his reply letter No.239 dated 9/10th September 1938 thereon and the file of records re. recovery of the institution fee in O.S.No.74 of 1922-23 on the file of the Subordinate Judge, Bangalore, I have the honour to request you kindly to obtain the opinion of the Legal Rememberancer to Government as to whether the decree in question can be executed now.

I have the honour to be,
S i r,
Your most obedient servant,

A A Khan

Deputy Commissioner,
Bangalore District.

Letter No.239/ dated 9/10th September 1938 from the Government Advocate in Mysore, to the Deputy Commissioner, Bangalore District.

- oOo -

Subject:- Recovery of the Institution fee in C.S.No. 74 of 1922-23 on the file of the Subordinate Judge, Bangalore.

- oOo -

With reference to your letter No.C6.Pet. 226/38-39 dated the 6th September 1938, forwarding for opinion a file of papers relating to the above subject, I have the honour to state that according to the Rules for the Conduct of Legal Affairs of Government, all matters for opinion have to be addressed to the Secretary to the Government in charge of the Law Section of the Secretariat and not to this office. The file of papers received with your letter under reply is therefore, herewith returned.

-- -- --

"Copy "

Deputy Commissioner,
Bangalore District.

gvm/-

Letter No.C6-Pet.226/38-39 dated 6th September 1938 addressed to the Government Advocate in Mysore, Bangalore.

- oOo -

I have the honour to state that in O.S. 74/1922-23 on the file of the Subordinate Judge, Bangalore Division, a sum of Rs.618-12-0 being the institution fee is due to Government from the defendant Narasimhaiah and the institution fee is a primary charge on the schedule 'A' properties attached to the decree. The decree was passed on 17-12-1926 and a copy of the decree does not appear to have been received from the court up till now and it could not therefore be executed within three years from the date of the decree.

On 3-8-1938, the Plaintiff Adeppa in the case submitted a petition to this office stating that action might be taken to execute the decree as it would become barred by limitation on 17-12-1938.

Thereupon, a reference was made on 5-8-1938 to the Sub Judge, Bangalore Division, to intimate if the court fee due was recovered by the Court, and if there was time to execute the decree if the amount ha not been recovered, and how he would propose to realise the dues if the decree could not be executed. He replied in his letter No.T. 384/22-8-1938 that the court fee was not recovered by the Court, and that the Public Prosecutor might be consulted on other points

The Public Prosecutor, Bangalore Division, who was consulted in the matter has replied that as the matter appears to be complicated, the Government

the Government Advocate may be consulted in the matter.

I request you therefore to kindly examine the question and let me know if the decree could be executed now.

Records accompany.

" Copy "

Deputy Commissioner,
Bangalore District.

gvm/-

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 28th November 1938

No. P 2669
Law 46-38-2

From

The Additional Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Registrar,
High Court of Mysore,
Bangalore.

Sir,

I am directed to request you to be so good as to cause to be sent, for reference and return, the records in O.S. No.74 of 1922-23 on the file of the Sub-ordinate Judge, Bangalore, and also to furnish information to Government whether after the decree was passed in the case on 17-12-1926, a reference was made by that Court to the Deputy Commissioner, Bangalore forwarding the copy of the decree in the case for realisation of the amount of court fee due to Government. The date of such reference, if any, may also be kindly intimated.

I have the honour to be,
Sir,
Your most obedient servant,

For Additional Secretary to Government.

Appendix F G—1]

SUBJECT.....

.....

.....

Section Law

File No. 46-38

Serial No. 9,

Diary No. of letter replied to .....

No. P2669.

To

General and Revenue Secretariat

( )

the *193*

The Registrar

High Court of Mysore

Date of issue 29/11/38

Sir,

Signed by Mr BKR

I am directed to request you to be so good as to cause to be sent, for reference and return, the records in O. S. No. 74 of 1922-23 on the file of the Sub-ordinate Judge, B'lore, and also to ~~favour with information whether a Search made in the~~ "To" ~~Register maintained in the Court of the Sub-ordinate~~ Judge, B'lore, ~~for a period of three years from the date~~

List of enclosures.....

Copied by .....

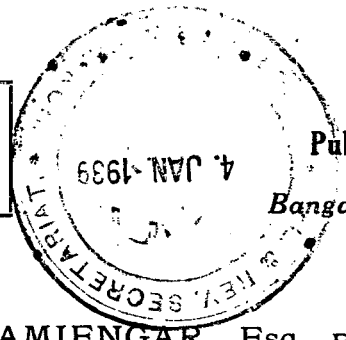
Examined by.....

of decree dtg 14-12-1960 whether after after the decree was passed in the case on 17.12.1
for/and/on/ordering a reference
by that Court
was made / to the D.C. B'lor
forwarding the Copy of the
decree in / the case in question for realising the amount of
executing Court fee due to Govt. The date
realisation of the decree. Such reference, if any, may also
be intimated

H. Admn. (F) No. 4.

R.O.C. No. 616
D. Dis. 38-39

4335 p838



HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 4th January *1939.*

From

T. SHAMIENGAR, Esq., B.A., B.L.,
Registrar, High Court of Mysore.

To

The Additional Secretary
to the Government of Mysore, Bangalore.

Sir,

H.C. With reference to your letter No.P.2669/Law 46-38-2 dated 29-11-38, requesting that the records in O.S. No.74 of 22-23 on the file of the Subordinate Judge, Bangalore, may be sent for reference and return and also requesting information whether a copy of decree in that case was sent by that Court to the Deputy Commissioner, Bangalore, for realization of the Court-fee due to Government and if so, when, I am directed to forward herewith the entire records in the said O.S. No.74 of 22-23 along with a copy of letter No.1059, dated 2/3-12-38, from the Subordinate Judge, Bangalore, to the District Judge, Bangalore, stating that "reference for having sent the decree copy to the Deputy Commissioner could not be traced in the

office, and that a copy was however sent on 15-9-1938"

I have the honour to be,

Sir,

Your most obedient servant,

J. Shannagan

Registrar.

Letter No.T.1059 dated 2nd/3rd December 1938 from the Subordinate Judge, Bangalore, to the District Judge Bangalore.

With reference to your No.L.T.1020 dated 2nd December 1938, I have the honour to submit herewith the records in O.S. No.74/22-23 on the file of this Court and to state that reference for having sent the decree copy to the Deputy Commissioner, Bangalore, could not be traced in this office.

A copy of the said decree was, however, sent on 15-9-38 in reply to a reference from the Deputy Commissioner, Bangalore.

" C O P Y "

For Registrar.

Appendix F G—1]

SUBJECT.....

.....

.....

Section Law

File No. 46-38

Serial No. 3

Diary No. of letter replied to .....

D. O. No. P 4426/Records

General and Revenue Secretariat

( )

the *193*

Dear Mr. Shamiengar,

I am desired to

Date of issue 16/2/39

state that in O.S. No. 74/22-23

on the file of the Sub-ordinate

Judge, Bangalore, the plaintiff

Signed by Mr. BKR

was allowed to file the suit

in forma pauperis, and that

the suit was decreed on 17-12-

in favour of Plaintiff, with a

direction that the institution

fee of Rs 618-12-0 due to Gov

List of enclosures.....

shall be paid by the defendan

and that it shall be a

Copied by.....

charge on the plaint Schedule

properties. In spite of a

Examined by.....

direction that appears in the order sheet

that copy of the decree shall be sent to the Deputy Comm^r (as provided in Order 33 Rule 14 C.P.C), the office of the Sub-judge, B'lore seems to have negligently omitted to send the copy as directed. On coming to know about the said decree in August 1938, the Deputy Comm^r, Bangalore sought instructions from the Govt if the decree in question could be executed now. Govt are advised that the decree is incapable of execution as it is barred by time. Govt are thus put to a loss of nearly Rs 1.000/=.

I am to request that this may kindly be brought to the notice of the High Court and that the Govt may be favored with the suggestions, if any, of the High Court regarding the prevention of such in future.

Yours Sincerely

To
T. Shamiengar Esq BA, B.L.
Registrar, High Court of Mys
Bangalore

Bangalore from a letter filed by the Govt before the D.C. on 1.8.1938,

The D.C. came to know of the passing of the decree in favour of Govt for recovery of the said fee,

and the Deputy Comm^r, Bangalore sought

limitation

Govt are advised that the decree is incapable of execution as it is barred by time. Govt

Govt have to bring to the notice of the High Court as they desire

The records received with your letter no R.O.C. 616/38-39, dt 4-1-39

D.O.No. P4426 Law 46-38-3
Secc. Records dt 16.2.39

Dear Mr.Shamiengar,

I am desired to state that in O.S No.74/22-23 on the file of the Subordinate Judge, Bangalore, the plaintiffs ~~was~~ were allowed to file the suit in forma pauperis and ~~that~~ the suit was decreed on 17th December 1926 in favour of Plaintiff, with a direction that the institution fee of Rs.618-12-0 due to Government should be paid by the defendant and that it should be a charge on the plaint ~~sxxx~~ schedule properties. In spite of a direction that appears in the order sheet that a copy of the decree should be sent to the Deputy Commissioner, the office of the Sub Judge, Bangalore seems to have omitted to send the copy ~~(as directed)~~ notwithstanding the obligatory provision of order 33 Rule 14 C.P.C. that ~~xxx~~ the Court should forthwith cause a copy of such to be ~~furnished~~ forwarded to the Deputy Commissioner.

From a petition filed by the 1st plaintiff before the Deputy Commissioner, Bangalore, on 1-8-1938, the Deputy Commissioner appears to have come to know of the passing of the decree in favour of Government for recovery of the institution fee, and sought instructions from the Government if the decree in question could be executed now. ~~Government are advised that the decree is barred by limitation.~~ incapable of execution as it is,

Government are advised that the decree is incapable of execution as it is - barred by limitation. Government are thus put to a loss of nearly Rs.1,000/-. including interest.

I am desired to bring these facts to the notice of the Judges of the High Court for such action as they deem fit, and to request that Government may be favoured with their suggestions, if any, regarding the prevention of such failures in - future.

The records received with your letter No.R.O.C.616/38-39 dated 4th January 1939 are herewith returned. The correspondence received from the D.C. is also enclosed for perusal & reference & return

Yours sincerely,

BKR
14.2

To

T.Shamiengar, Esq, B.A., B.L.,
Registrar, High Court of Mysore,
Bangalore.

GENERAL AND REVENUE SECRETARIAT,

D. O. No. P 4426 Law 46-38-3 Records

Dated, Bangalore, ~~16th February~~ 1939.

Dear Mr. Shamiengar,

1) I am desired to state that in O.S. No. 74/22-23 on the file of the Subordinate Judge, Bangalore, the plaintiffs were allowed to file the suit in forma pauperis, and the suit was decreed on 17th December 1926 in favour of Plaintiff, with a direction that the institution fee of Rs. 618-12-0 due to Government should be paid by the defendent and that it should be a charge on the plaint schedule properties. In spite of a direction that appears in the order sheet that a copy of the decree should be sent to the Deputy Commissioner, the office f the Sub Judge, Bangalore seems to have omitted to send the opy notwithstanding the obligatory provision of order 33 Rule 4 C.P.C. that the Court should forthwith cause a copy of such ecree to be forwarded to the Deputy Commissioner.

2) From a petition filed by the 1st plaintiff before the eputy Commissioner, Bangalore, on 1st August 1938, the Deputy ommissioner appears to have come to know of the passing of the ecree in favour of Government for recovery of the institution ee, and sought instructions from the Government if the decree n question could be executed now. Government are advised that he decree is incapable of execution as it is barred by limitaion. Government are thus put to a loss of nearly Rs. 1,000/-, ncluding interest.

3) I am desired to bring these facts to the notice of the Judges of the High Court for such action as they deem fit, and to request that Government may be favoured with their suggestions, if any, regarding the prevention of such failures in future.

4) The records received with your letter No.R.O.C.616/38-39 dated 4th January 1939 are herewith returned. The correspondence

received from the Deputy Commissioner is also enclosed for reference and return.

Yours sincerely,

T. SHAMIENGAR, Esq., B.A., B.L.,
Registrar,
High Court of Mysore,
BANGALORE.

H. Admin. (F) No. 5.

R.O.C. Dis. No. 616 38-39

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 22nd February 193 9

Enc. One copy & Correspondence file 5326/P

FROM

T. SHAMIENGAR, Esq., B.A., B.L.,
Registrar, High Court of Mysore.

Law 46-38-4

To

Rajasevaprasaktha
B.T. Keshaviengar, Esq., B.A.,
Chief Secretary to the Government of Mysore,
Bangalore.

SIR,

In continuation of High Court reference R.O.C.No.616 of 38-39, dated the 4th January 1939, regarding the despatch to the Deputy Commissioner, Bangalore, of a copy of the decree in O.S. No.74 of 22-23 on the file of the Subordinate Judge, Bangalore, I am directed to enclose a copy of the letter No.H.T.474, dated 20th January 1939, from the District Judge, Bangalore, and to state that it is since ascertained that, on a reference to the entries in the Kannada 'To' Register of the Court, ~~that~~ a copy of the decree in question was sent to the said Deputy Commissioner with the Subordinate Judge's Office Kannada 'To' No.290, dated 12-1-1927, i.e. within 25 days after the date of judgment (17-12-1926).

The correspondence papers received from the Deputy Commissioner and sent to this office with your D.O. letter No.P.4426/ Law.46-38-3, dated 16th February 1939, are returned herewith as desired.

I have the honour to be,

Sir,

Your most obedient servant,

T. Shamiengar
Registrar.

Letter No.H.T.474 dated 20th/23rd January 1939 from the District and Sessions Judge, Bangalore Division, Bangalore, to the Registrar, High Court of Mysore, Bangalore.

****

With reference to your letter No.R.O.C.616/38-39 dated 18th January 1939 enquiring if the "To" Register of the Subordinate Judge's Court, Bangalore, shows that a copy of the decree in O.S.No.74/22-23 on the file of that court was ever sent to the Deputy Commissioner, Bangalore, before the 15th September 1938, I have the honour to state that the Subordinate Judge of Bangalore, reports in his letter No.1418 dated 8th January 1939, that, on a reference to the Kannada "To" Register of his Court, it is found that a copy of the decree in question was sent to the said Deputy Commissioner with his office Kannada: To. No.290 dated 12-1-1927.

"COPY"

T. Ramiengar

REGISTRAR.

Letter No.H.T.474 dated 20th/23rd January 1939

from the District and Sessions Judge, Bangalore.

Division, Bangalore, to the Registrar, High Court o
Mysore, Bangalore.

With reference to your Letter No.R.O.C.616/38-3
dated 18th January 1939 enquiring if the "To" Regis
of the Subordinate Judge's Court,Bangalore, shows th
s copy of the decree in O.S.No.74/22-23 on the file
of that court was ever sent to the Deputy Commissio
Bangalore, before the 15th September 1938, I have t
honour to state that the Subordinate Judge of
Bangalore, reports in his Letter No.1414 dated 1th
January 1939, that on a reference to the Kannada "T
Register of his Court it is found that a copy of th
decree in question was sent to the said Deputy
Commissioner with his office Kannada: To. No.280 da
1-1-1927.

"COPY"

REGISTRAR.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 1st March 1939.

No. P4738 Law 46-38-5
Rece. one copy + records

From

The Additional ~~the~~ Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Deputy Commissioner,
BANGALORE.

Sir,

SUBJECT. - Recovery of Institution Fee in O.S.No.74/1922-23 on the file of the Sub-Judge, Bangalore.

With reference to your letter No. C.6-Pet. 226/38-39 dated 15th September 1938 in regard to the above, I am directed to forward herewith, for further report, a copy of letter No.616/38-39 dated 22nd February 1939 from the Registrar, High Court of Mysore, that it is since ascertained that a copy of the decree in question was sent to your office with the Subordinate Judge's Office Kannada 'To' No. 290 dated 12th January 1927.

The records received with your letter under reference are herewith returned.

I have the honour to be,
Sir,
Your most obedient servant,

For Additional Secretary to Govern

Appendix F G—1]

SUBJECT.....

.....

.....

Diary No. of letter replied to .....

Section Laws

File No. 46-38

Serial No. 5

No. P4738/Genl. one copy + records

To The D.C.

B'lore

General and Revenue Secretariat

( )

the *193*

Date of issue 4/3/39

Signed by Mr. BKR

Subject:- ~~Execution of Decree~~ Recovery of Institution Fee

O.S. No. 74/1922-23 on the ~~of~~ the Sub-Judge, B'lore.

Sir,

With reference to your letter No. C6-Pet. 226/38-39, dated 15th ~~Feb~~ Sept. '38 in regard to the above, I am directed to forward herewith, a copy of for a further report,

List of enclosures.....

Copied by .....

Examined by.....

letter No. 616/38-39, dated 22nd Feb. '39 from the Registrar, High Court of Mysore ~~for further report~~. From it is since ascertained that a copy of the decree in question was sent to your office with the Subordinate Judge's Office Kannada 'To' No. 290 dated 12-1-1927.

WD 0278—GPB—30,000—4-3-38

The Records received with your letter under reference are herewith returned.

I have etc.

BKR

For Addl Sec
B

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P6326 Law 46-38-7

Dated, Bangalore, 2nd June 1939.

From

The General Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Registrar,
High Court of Mysore, Bangalore.

Sir,

I am directed to invite reference to the correspondence ending with your letter No.Roc 616/38-39 dated 22nd February 1939 informing the Government that it is ascertained that a copy of the decree in question was sent to the Deputy Commissioner with the Sub-ordinate Judge's Office Kannada 'To' No.290 dated 12th January 1937 and to state that the Deputy Commissioner reports in his letter No.C.6-4718-198/38-39 dated 9th May 1939 that it is ascertained on a reference to his office registers relating to the period that a copy of the said decree has not been received in his office.

I am further to state that Government consider that it is necessary that the Deputy Commissioners should be informed about the institution of all pauper suits or appeals and that they should arrange to watch the progress till final disposal of the suits or appeals. I am to request that the Government may be favoured with the suggestions of the Judges of the High Court in the matter.

I have the honor to be,
Sir,
Your most obedient servant,

BKR

For General Secretary to Govt.

In all future communications please quote
No. C6-4718-198/38-39.
Enc One file.

Tel. Address.—"DEPCOM"
Post Box No. 34.

OFFICE OF THE DEPUTY COMMISSIONER,
BANGALORE DISTRICT.

Dated, Bangalore, the 9th *day of* *193*

6921
Law 46-38-6

FROM

Abdul Aziz Khan, Esq., B.A.,
Deputy Commissioner,
Bangalore District.

Cl. 1957/38
DMR 10.5

To

C. Subrahmanya Aiyar, Esq., B.A., B.L.,
Addl. *Secretary,*
to the Government of Mysore.
Bangalore.

SIR,

Subject:—Recovery of Institution Fee in O.S.No. 74/22- on the file of the Sub Judge, Bangalore.

--:oOo:--

With reference to your letter No.P. 4738/La 46-38-5 dated 4th March 1939 on the above subject, I have th honour to state that it is ascertained on a reference to th office registers relating to the period, that a copy of the decree referred to by the Registrar, High Court of Mysore, h not been received in this office and in the absence of instructions from the Court, it was not possible for this office to take any action for the recovery of the amount due to Government.

The petitioner states that he has been taking execution proceedings against the defendants and it is seen from the copy of the decree (enclosed herein) that the amount of Rs.618-12-0 due to Government is a first charge on the schedule property. Under the circumstances, I request that the possibility of executing the decree may be considered and the action to be taken by this office intimated.

The connected file of records is herewith sent for kind reference.

I have the honour to be,
S i r,
Your most obedient servant,

A Aziz Khan

Deputy Commissioner,
Bangalore District.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 1st March 1939.

No. P 4738 Law 46.38-5
Rece. one Copy & records

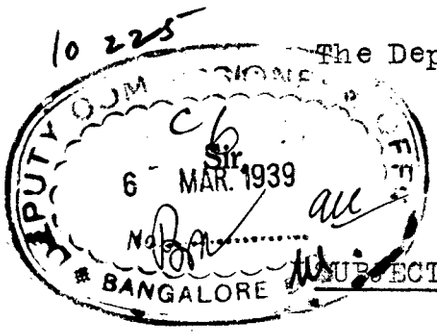
P.R. 198/38-39

From

The Additional ~~The General~~ *Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Deputy Commissioner,
BANGALORE.



Sir,

SUBJECT. Recovery of Institution Fee in O.S.No.74/1922-23 on the file of the Sub-Judge, Bangalore.

With reference to your letter No. C.6-Pet. 226/38-39 dated 15th September 1938 in regard to the above, I am directed to forward herewith, for further report, a copy of letter No.616/38-39 dated 22nd February 1939 from the Registrar, High Court of Mysore, stating that it is since ascertained that a copy of the decree in question was sent to your office with the Subordinate Judge's Office Kannada 'To' No. 290 dated 12th January 1927.

The records received with your letter under reference are herewith returned.

I have the honour to be,
Sir,
Your most obedient servant,

B.K. Ramaprasanna

For Additional Secretary to Government

Letter No.616/38-39 dated 22nd February 1939 from the Registra High Court of Mysore, to the Chief Secretary to the Government of Mysore, Bangalore.

In continuation of High Court reference R.O.C.616 of 38-39, dated the 4th January 1939, regarding the despatch to the Deputy Commissioner, Bangalore, of a copy of the decree in O.S.No 74 of 22-23 on the file of the Subordinate Judge, Bangalore, I am directed to enclose a copy of the letter No.H.T.474, dated 20th January 1939, from the District Judge, Bangalore, and to state th it is since ascertained that, on a reference to the entries in the Kannada 'To' Register of the Court, a copy of the decree in question was sent to the said Deputy Commissioner with the Subordinate Judge's Office Kannada 'To' No.290, dated 12-1-1927 i.e. within 25 days after the date of judgment (17-12-1926).

The correspondence papers received from the Deputy Commissioner and sent to this office with your D.O.letter No.P.4426/ Law.46-38-3, dated 16th February 1939, are returned herewith a/ desired.

C O P Y

B K Ramakrishnaiya

For Additional Secretary to Government.

Letter No.616/34-39 dated 2'nd Febm ry 1939 from the Registrar,
High Court of Mysore, to the Chief Secretary to the Government of
Mysore, Bangalore.

In continuation of High Court reference R.C.616 of 38-39,
dated the 4th January 1939, regarding the despatch to the
Deputy Commissioner, Bangalore, of a copy of the decree in O.S.No
74 of 27-28 on the file of the Subordinate Judge, Bangalore, I am
directed to enclose a copy of the letter No...T.474, dated 30th
January 1939, from the District Judge, Bangalore, and to state th
it is since ascertained that, on a reference to the entries in
the Kannada 'To' Register of the Court, a copy of the decree in
question was sent to the said Deputy Commissioner with the
Subordinate Judge's Office Kannada 'To' No.260, dated 12-1-1927
i.e. within 25 days after the date of judgment (17-12-1926).

The correspondence papers received from the Deputy Com-
missioner and sent to this office with your D.O.letter No.P.4429/
Law.46-38-3, dated 16th February 1939, are returned herewith a
desired.

C O N V

For additional Secretary to Government.

Office of the Deputy Comm
Bangalore Dist

1-38
ETWS Dated 24th August 1938

Memo

Forwarded to the Public Prosecutor Bangalore District In O.S. 74/1922-23 on the file of the Subordinate Judge, Bangalore a Sum of Rs. 618-12-0 being the institution fee due to Government from the defendant Narasimhaiah and the institution fee due to Government is a primary charge on the Schedule 'A' properties. The decree was passed on 17-12-19 and a copy of the decree does not appear to have been received from the court up till now for the recovery of the court fee due to Govt. Therefore the decree was not executed within 3 years from the date of the decree.

OFFICE OF THE PUBLIC PROSECUTOR
No. 618/38
Date
BANGALORE DN.

On 3-8-1938 the plaintiff Adeppa submitted a petition to this office stating that action might be taken to execute the decree as it would become time-barred on 17-12-1938. His petition is enclosed herein for his kind perusal.

A reference had been made on 5-8-1938 to the Subjudge, Bangalore, to intimate if the court fee due to Govt had been recovered, and if there was time to execute the decree if it had not been recovered, and that if the decree could not be executed now how he would propose to realise the same. The

From

The Subordinate Judge,

B a n g a l o r e.

To

The Deputy Commissioner,

Bangalore District,

B a n g a l o r e.

C6

23. AUG. 1938

No. 1. 884

22-8-38.

Dated 19th August '38

Written to D.P. for opinion on 24/8/38

S i r,

With reference to your office No. C.6 Pet. 226/38-39 dated the 17th instant Re: recovery of - institution fee due to Government in O.S. 74/22-23 on the file of this court, I have the honour to state - that the institution fee payable in the case has not been received by the court. The other points raised in para 2 of your letter under reply may kindly be - referred to the Public Prosecutor for opinion. A - copy of the decree in the above case will follow

I have the honour to be,
S i r,
Your most obedient Servant,

Subordinate Judge.

C.C-Pet-226/38-39

To

Subordinate Judge
Bangalore

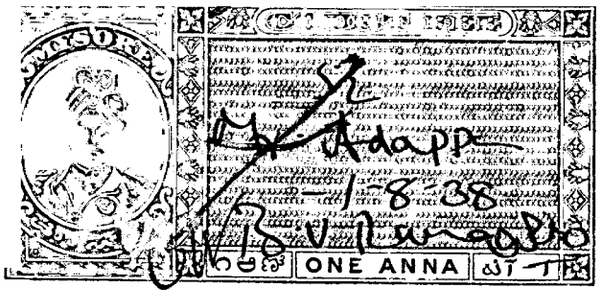
I have the honour to state that plaintiff Appa in O.S.74/1922-23 on the file of your court has petitioned to this office. The defendants in the case has to pay Rs. 618-12-0 being the court fee which is a charge on the Schedule properties, and that action may be taken to execute the decree as it becomes time-barred on 17-12-1938.

I have closed to this petition a copy of the decree in the case. It is seen therefrom that the decree in the case was passed on 7-12-1926 and that 12 years limitation will expire by 7-12-1938.

On a reference to the decree register maintained in this office, it is seen that a copy of the decree in the

does not appear to have been
received up till now and that
~~no~~ execution proceedings do ~~to~~
therefore seem to have been ba
in within 3 years from 17-12-1921

Hy. 5-8-1938



In person
1/8/38

C6

Seen
4/8/38

పెంగళూరు డిప్యూటికి మిలిటరీ సెక్రటరీ గారికి

సవరపు జూర్మునావిని

ఆదిలాబాదు జిల్లా కాగజ్‌నగర్ తాలూకా పేట
15 సంవత్సరాల నుండి సంబరుమనేలు-నివాసిగువ
హింసల పిల్లి నారాయణ కుమారుడు ఆదిప్పి
బలిమహాండలు రూపాలు అర్జీ మనందు
కి. అయింది-

నన్నకాలూంపోడమ్మలుర్ప్పుడిక్క
పిల్లమ్మనాసుమ్మసరు అయిద్దాగగాంధి
యుక్క అయినింపు నన్న తారసరసింహ్మయ్య
గుమాలతి ఆదిలాబాదు కలెక్టరుసెబ్బుడ్డి
ంచువరహోలమున 1922-23 సనాలన
O.S నం. 74 నుండి సిసనల్లగపేమంబదల్లస్తిగ
ళవి ఆగస్టు గిడావామాండి ద్వల్లూనదద
రిదంచేయు. 17-12-1926 రల్లగిర్రిక్షలిల్లు
లూంచాంచవస్సునమ్మకాలూంయుసర్కా
రలి రోడరశ్మహోలమునపిర్యాదిచన్న
రోండేలు రిచుర్ల చిల్లడిపోంటేరనల్లదా
చం చన్నదాంద్వళ్లసదరిం లసుదిర్రి
లిగువల్ల తహశీల్దార్ నవరుసర్కారకి
సెల్ల గుమాస్తాంచహోలమున పిల్ల (618-12-0)
రూపాలూంగళన్నచసూలాంతిజుకొదా
చాలిజ్ గిష్టి చూపాక్ స్టేట్ నళులు
ఆంగిరశ్మదంచలుసదరిమోసుల గుర్తి
లిచాంది యిం సరాంతి ఆంగ

తర్వాత (618-0-0) రూపాయలు గవర్నమెంట్
అకౌంట్ పోడుపుల్ నిక్షేపాల్లో పెట్టి
వచ్చే వడ్డీ నిరర్థక 1/2 అర్ధభాగాన్ని
ఆస్తిలో మన్నా రాజు మాండ్లిక్ ముల
వసూల్ చేసుకొని మిగతా అర్ధభాగాన్ని
శ్రీ దొరవారి ఖజానాలో జమ చేయగలరు.

4. మీల్ డబ్బిల్ నిమిత్తం 17-12
రాళ్ళ డిక్రీ అయినది. 17-12-1
నుండి 12 సంవత్సరములు ఎగుమతి
మీద ప్రొసిజర్ మొదలు 48 గంటల్లో
ఫోన్ ప్రకారం వర్తకుడు డిక్రీదారుని యొ
రవాణా చేయడానికి గల్లోల్లకు రసీదు
జారీ చేయవలసినదిగా ఆదేశాలు ఇవ్వడమైనది.
చింబు అంగడి వస్తువులు యొక్క
రవాణా పోలీసు వారు వారి వద్ద
చేయవలసి ఉంటుంది.

5. పేర్కొనబడిన దస్తావేజులు
తిరిగి ఇవ్వడం జరుగుతుంది. యొ విషయమై
ఇప్పటికే నడిపిన కార్యక్రమాలన్నీ రద్దు
చేసి నూతన నిబంధనలు వ.

తా:/-8-1938
చిరంజీవులు

శ్రీ తిరుమల సేవలో
- అదప్ప

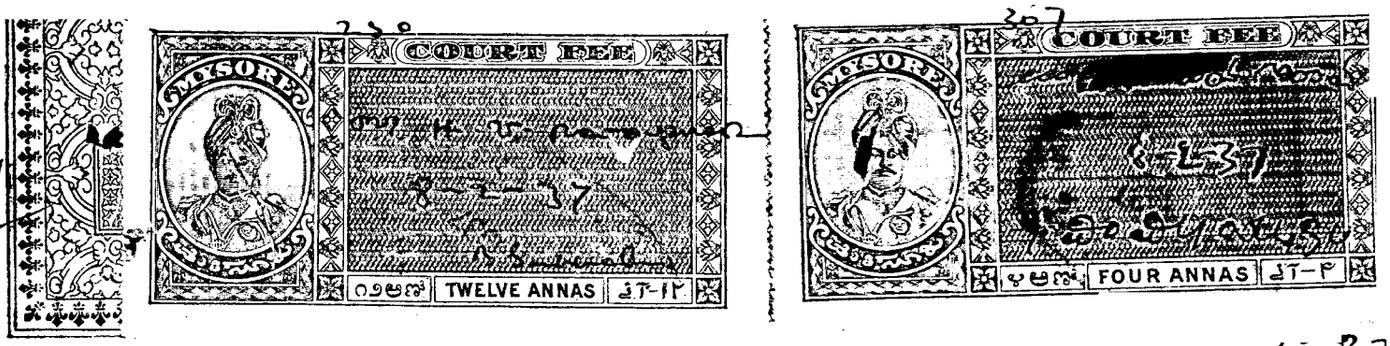
[illegible] సూపర్‌వైజింగ్ [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible]
[illegible] [illegible]

తే 1-0 1938
[illegible] ఆదప్ప

ఖరీఫ్ పంటలకు [illegible]
1926-27 లాగానే [illegible]
ప్రతిపాదనలు [illegible]
[illegible]

[illegible]
[illegible]

తే 1-8-1938
ఖరీఫ్ పంటలకు [illegible] ఆదప్ప



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ಅರ್ಜಿದಾರರು / ಹೆಸರು ಮತ್ತು ವಾಸಸ್ಥಳ ಮತ್ತು ಉದ್ಯೋಗ

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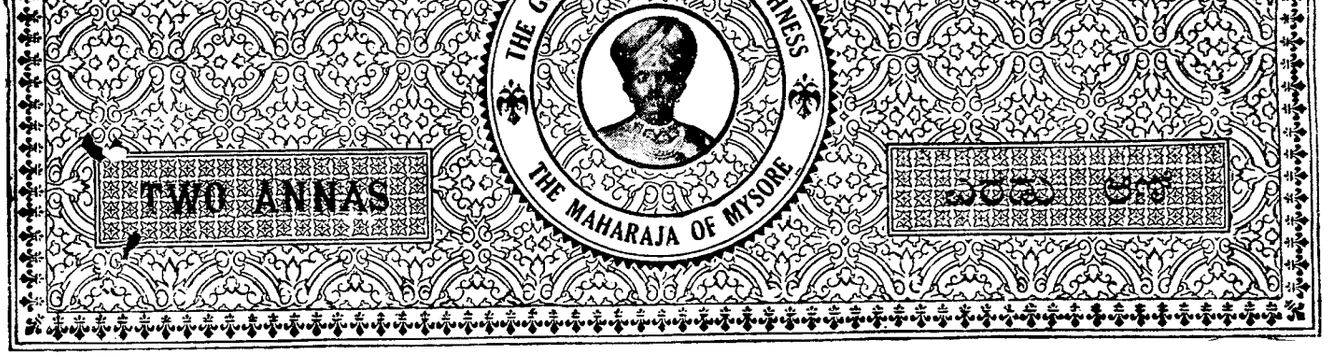
Exhibit D.

THE GRACIOUS MAJESTY
THE MAHARAJA OF MYSORE
TWO ANNAS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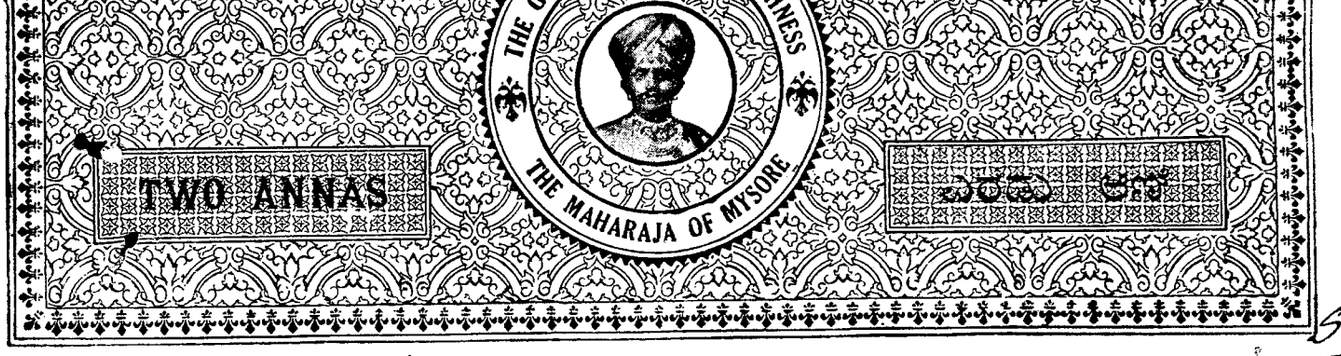

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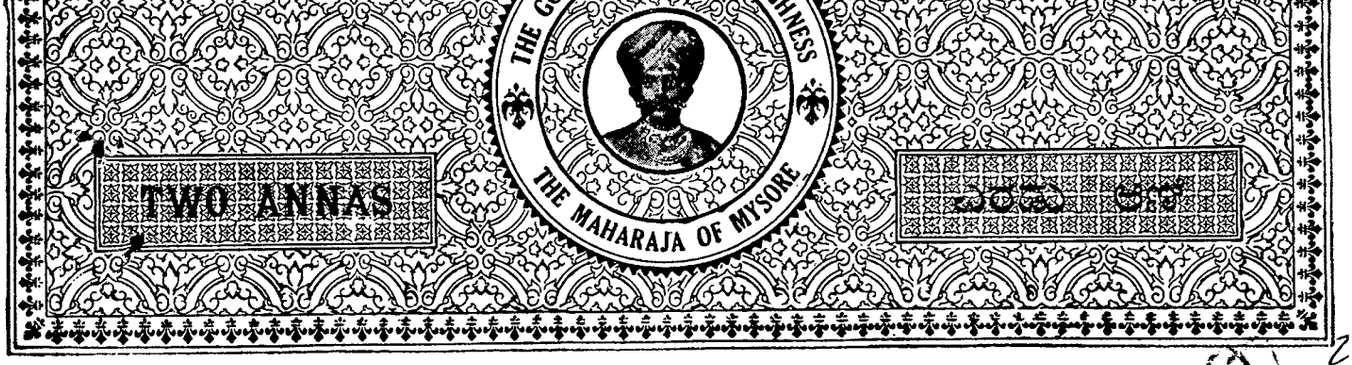
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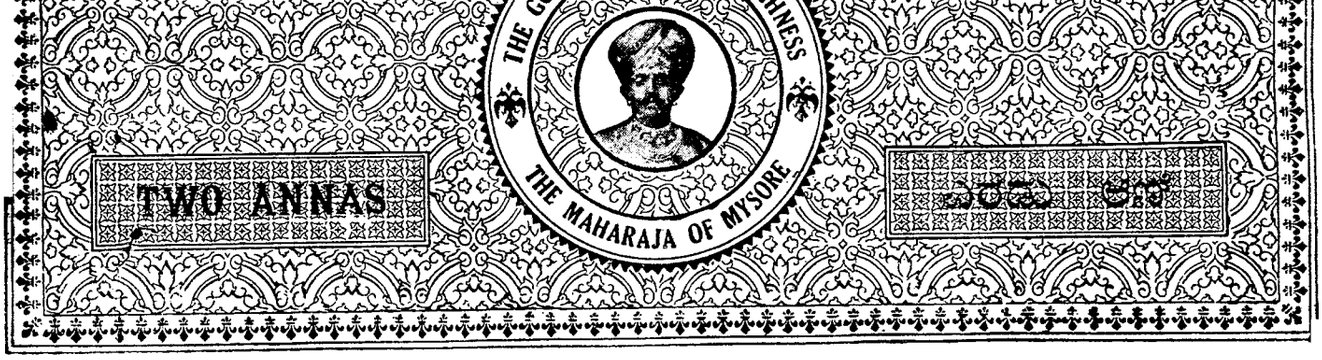
THE MAHARAJA OF MYSORE
TWO ANNAS



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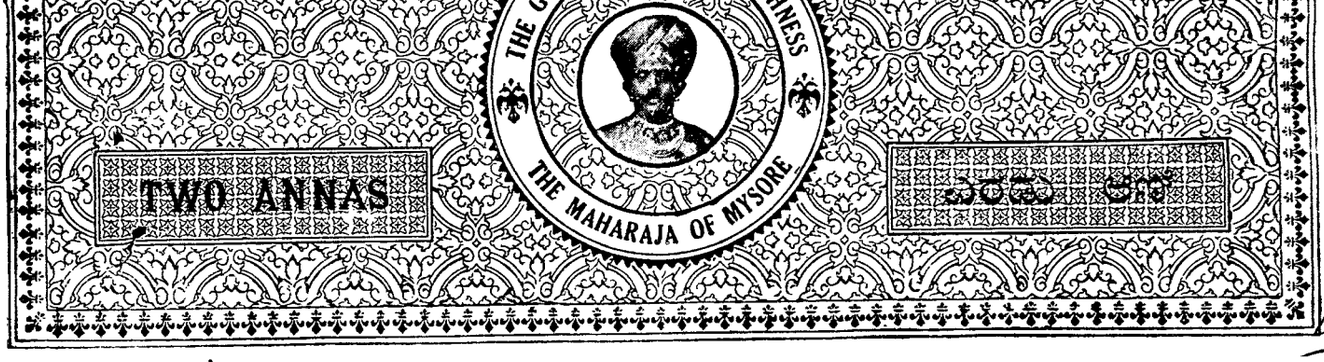

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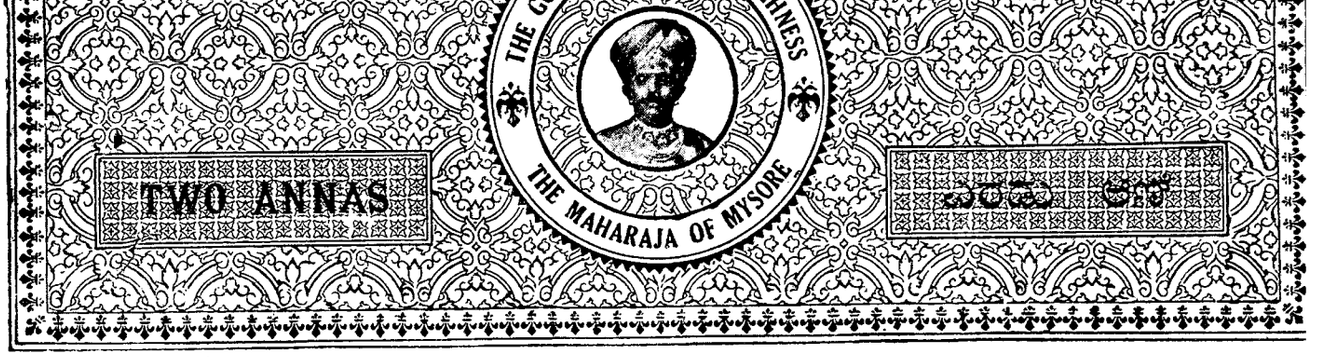

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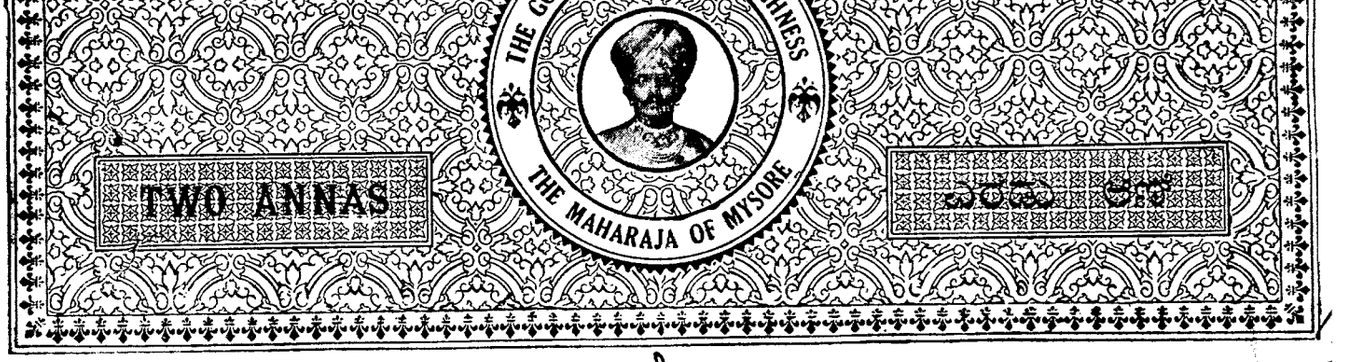

(25) ಕೆಲಸಗಳಲ್ಲಿ ಪ್ರಾವೀಣ್ಯತೆ ಮತ್ತು ಕೈಚಳಕಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಪ್ರಶ್ನೆಗಳು 100

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(27) ಸಂಗೀತಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಪ್ರಶ್ನೆಗಳು 100

(28) ವಿಜ್ಞಾನಕ್ಕೆ ಸಂಬಂಧಿಸಿದ ಪ್ರಶ್ನೆಗಳು 200

(29) ಸಮಕಾಲೀನ ಘಟನೆಗಳು 350

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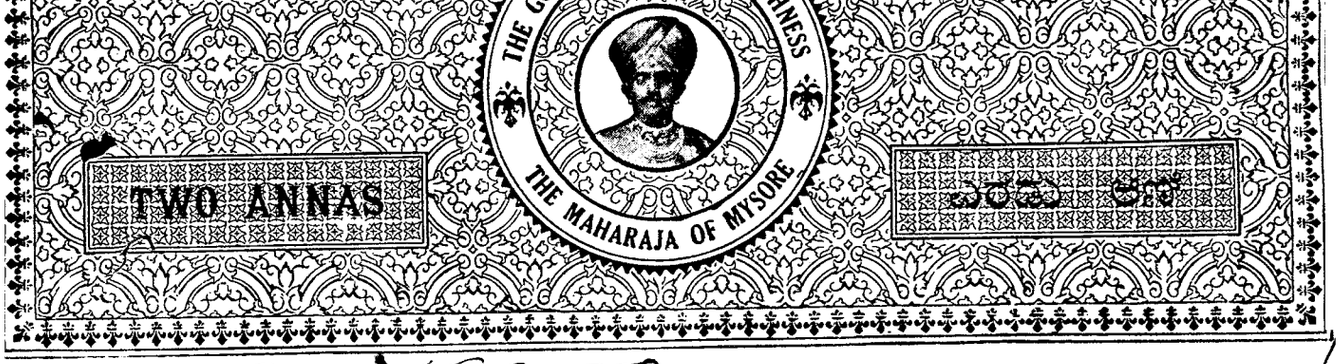

(34) [illegible] 100—0

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(36) [illegible] 50—0

(37) [illegible] 600—0

(38) [illegible] 600—0

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THE MAHARAJA OF MYSORE
TWO ANNAS

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Appendix F G—1]

SUBJECT.....

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Section Law

File No. 46-38

Serial No. 7

Diary No. of letter replied to .....

No. P6346

To

The Registrar, High Court

General and Revenue Secretariat

( )

the *193*

Sir,

Date of issue 5/6/39

I am directed to invite reference to the correspondence ending with your letter no. R.O.C 616/38-39 dated 22 Nd Febry 1939 informing the Govt. that it is ascertained that a copy of the decree in question was sent to the Dy.Commr with the Sub-ordinate Judge's Office Kannada's To' No 290 dated 12-1-37 and to state that the Dy.Commr reports in his letter no. C.6-4718-198/38-39 dtd 9-5-1939 that it is ascertained on a reference

Signed by Mr. BKK

to his office registers receipt to the period that a copy of the said decree has not been received in his office.

I am further to state that Govt consider that it is necessary that the Dy Comm should be informed about the institution of all pauper suits or appeals and that they should arrange to watch the progress till final disposal of the suits or appeals.

I am to request that the Govt may be favoured with the suggestions of the

A. Secy. to the High Court

SECY. LAW DEPT.
31 JULY 1939
GOVT OF MYSORE

To

The Chief Secretary,
Government of His Highness
the Maharaja of Mysore,
Bangalore.

Adeppa, son of Naranappa,
resident of Cubbonpet,
Bangalore City. } PETITIONER.

Respected Sir,

1) I, the petitioner abovenamed most humbly beg to submit as follows:--

2) I, filed a suit O. S. No.74 of 22-23 and obtained a decree on 17th December 26 on the file of the Sub Judge, Bangalore, for partition of joint family properties. I had filed the suit in forma pauperis and the institution fee has been made a first charge on the properties and the same is payable by the Judgment Debtor. In order to evade payment and harass me they are dissipating and alienating away the properties which have fell to their share. They have no other properties and I have to get more than Rs.350/- from them. Otherwise the properties have been ordered to be sold on 10th August 1939 in Ex.No.2026 of 26-27 on the file of the Sub Judge, Bangalore. All this has to be met out of the plaint schedule properties and they are threatening me that my share of the properties will be sold away from the arrears due to Government. If that should be done I shall be left destitute. Hence I pray that immediate steps be taken to recover the said amount out of their property and I shall not be responsible if no amount is realised

due to defaflt by the defendant. I may submit that my share of the properties cannot be proceed with.

3) I had also given petitions to the Deputy Commissioner regarding this, but as no action - appears to have been taken, I pray that immediate steps be taken and I be relieved of my worries and anxiety for which act of justice I ever pray

Law 46-38

R.O.C. No. 616 38-39

581/P

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,
Bangalore, 26th July 1939.

27

FROM

T. SHAMIENGAR, Esq., B.A., B.L.,
Registrar, High Court of Mysore.

GEN. SEC. SECRETARIAT 27 JUL 1939

To

J. Appaji Gowda, Esq., B.A., (Hons),
General Secretary to the Government of Mysore,
Bangalore.

GENERAL 27 JULY Pro -

Sir,

-X-

With reference to your letter No.P.6346/Law 46-38-7, dated 5th June 1939, stating that the Government consider that it is necessary that the Deputy Commissioners should be informed about the institution of all pauper suits or appeals and that they should arrange to watch the progress till final disposal of the suits or appeals, and requesting the suggestions of the High Court in the matt I am directed to state that the High Court is of opinion that there i sufficient provision (Vide Order XXX Rules 6 and 14, Order XLIV Rule of the Code of Civil Procedure), already to keep the Deputy Commissioner informed of the institution of pauper suits or appeals. Notices are sent to the Deputy Commissioner invariably when an applic tion is made for permission to sue as a pauper in accordance with Rule 6 of Order XXX, Code of Civil Procedure; and decrees in such suits and appeals are also sent as required by Order XXX Rule 14, Code of Civil Procedure.

In respect of applications for permission to appeal in forma pauperis, it is ascertained that notices are not sent though there is provision for issuing such notices; necessary instructions will be issued to the subordinate Courts to see that notices of such applications are also sent to the Deputy Commissioner.

I have the honour to be,

Sir,

Your most obedient servant,

T. Shamiengar

Registrar.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat.

No. P 1105-13 Law 46-38-9 *Bangalore, dated* 21st August 1939.

FROM

The Secretary to the Government of
His Highness the Maharaja of Mysore.

To The Registrar.

The Deputy Commissioners

SIR, of Districts

Subject. - Intimation of institution of suit papers filed or appeals and pending progress till final disposal of the suits or appeals.

I am directed to request you to state what the practice now prevailing in your office is in respect of suits and appeals filed in Munsiff's Courts within your jurisdiction, from the date you get a notice of such a suit or appeal and when the Government claim for the recovery of institution fees thereon, is satisfied.

An early reply is requested.

I have the honour to be,
Sir,
Your most obedient servant,

for Secretary to Government,
Law Department.

Appendix F G—1]

SUBJECT.....

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.....

Section

File No. 145 '25.

Serial No.

Diary No. of letter replied to .....

No. P 1105—13.

To The Dycommrs of Mt

Subj:- Intimation of institution of all pauper Suits or appeals and watching progress till final disposal of the Suits or appeals.

Sir,

I am directed to request you to state what the pratice now prevailing in your Office is in respect of the action taken in regard to the watching of the progress of the pauper Suits or appeals instituted in the Revenue Courts within

General and Revenue Secretariat

( )

the *193*

Date of issue.... 22/8/25

Signed by ..... Mr. KPP.

× suits & appeals filed in forma pauperis in Civil & Criminal Courts of Jurisdiction, from Orders passed on petitions presented by Plaintiffs & Appellants for the recovery of Court fees chargeable, & Collectors and Legal Practitioners.

List of enclosures..... 3

14/8/25

Copied by.....

Examined by .....

Yrs

District - and the steps to be
taken for the recovery of
the institution fees, as soon as
intimation is received from
the courts, of the institution
fee being made a first
charge on the property or
properties, as the case
may be, in the decree give
the favour of a very

No. A.3.C.~~818~~ 818-65/39-4
Encs.

OFFICE OF THE DEPUTY COMMISSIONER,
SHIMOGA DISTRICT.

Dated Shimoga, the 26th August *19* 39.

Law 46-38-2

FROM

M. SESHADRI, Esq., M.A.,
Deputy Commissioner, Shimoga District.

To

C. Subrahmanya Aiyar, Esq., B.A., B.L.,
Secretary to the Government of His Highness the Maharaja of Mysore,
LAW *Department, BANGALORE.*

Subject: — Pauper Suits - Intimation of institution of and watching progress of the same till the final disposal of the appeal.

SIR,

With reference to your letter No. P. 1105-13/Law. 46-38-9 dated the 22nd August 1939 on the above subject, I have the honour to state that the practice now prevailing in this District in respect of the suits or appeals filed infarma pauperis in Courts is as follows:-

1. The notice of suits or appeals filed infarma pauperis in Courts received from the Courts concerned are sent to the Amildars concerned for holding local enquiries as to the pauperism of the petitioner and the result will be intimated to the Court concerned within the date fixed for hearing. No further action is taken in this Office to watch the disposal of the suit or appeal.

2. On receipt of the copy of the decree of the Court concerned directing the recovery of the institution fee due in the case either from the Plaintiffs or defendants as the case may be the case is taken on file in the register maintained as per para (2) of Manual of Rules and Orders for the conduct of Legal

affairs of Government. The Amildar concerned will be asked to ascertain in the first instance whether the party liable is able to pay by issuing a notice. If the party is able, but fails to pay up the amount, the Public Prosecutor will be moved to apply by petition to the Court under the Civil Procedure Code, to recover the amount by attachment and sale of the Party's property as laid down at page 288 of Stamp Manua

No.L.Dis.A7.3.885/39-40. Office of the Deputy Commissioner, Kadur Distri

Chikmagalur, dated the 4th September 1939.

From

E.V. Ganapati Iyer, Esquire, B.Sc.,
Deputy Commissioner, Kadur District,
Chikmagalur.

To

G. Subrahmanya Aiyar, Esq., B.A., B.L.,
Secretary to Government of Mysore,
LAW DEPARTMENT,
Bangalore.

Law 46-38-1

Sir,

Subject:- Intimation of institution of all Pauper suits or appeals and watching progress till final disposal of the suits or appeals.

Adverting to your letter No.P.1105-13/Law.46-38-9 dated 22nd August 1939, re: the above subject, I have the honour to state that on receipt of a notice under Rule 6 Order XXXIII of the Civil Procedure Code, - regarding an application to sue in forma pauperis necessary enquiries are instituted as to the real status of the applicant and on satisfying that he is actually a pauper a ceritiicate will be issued accordingly to the Court and no action will be taken to dispute such application.

2. But if, on such enquiry, there appear to be circumstances in the applicant's case which prima facie disentitle him to sue as a pauper, the application will, if necessary, be opposed either in conjunction with the opponent or independently of him, engaging the services of the Public Prosecutor or a local Pleader.

3. When once a person is certified as pauper and permitted to sue as such, further proceedings are not being watched, but should circumstances subsequently come to light, which show that the indulgence granted to the applicant was one to which he was not entitled, action will, if necessary, be taken to oppose the application in the manner vide para 2 supra.

4. On receipt of a copy of the decree from the Court under Rule 14 Order XXXIII of the Civil Procedure Code, for the recovery of the institution fees due to Government, the Amildar will be instructed to ascertain in the first instance whether the party liable is able to pay. If he is able but fails to pay up the amount, the Public Prosecutor or any other local Pleader will be engaged to apply by petition to the

Court, under the Civil Procedure Code, to recover the amount by the attachment and sale of the party's property

5. When on enquiry or during the execution proceedings, it is found that the prospects of recovering the institution fee awarded in pauper suits are meagre or when owing to lapse of time the claim has been extinguished, application is made to the Commissioner of Stamps (in cases where the amount does not exceed Rs 100/-) or to the Government (in other cases) for sanction to write off the demand as irrecoverable. In making such applications, all the pending cas in which there are no means of recovery, are included in one statment in the prescribed form and are submitted quarterly.

6. In main, the procedure prescribed in Government Order N R.11306-26/St.11-20-4, dated 11th April 1921 is being followed in respect of the subject matter under reference.

I have the honour to be,

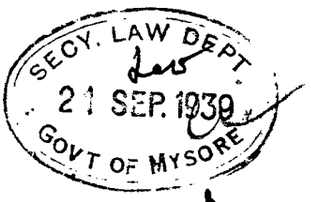
Sir,

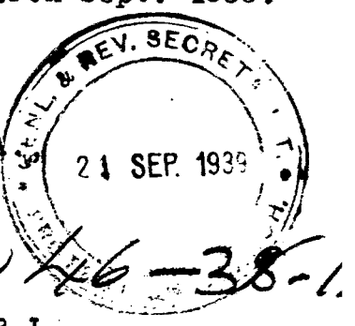
Your most obedient servant,

Assistant Commissioner,
For Deputy Commissioner,
Kadur District.
(Absent from Head Quarters).

No.A7.C.786/39-40

Office of the Deputy Commissioner,
Chitaldrug District,
Dated, Chitaldrug 19th Sept. 1939.





From

Mahomed Ismail Sheriff, Esq., B.A.,
Deputy Commissioner,
Chitaldrug District.

Law 46-38-1.

To

C.Subrahmanya Aiyar, Esq., B.A., B.L.,
Secretary to Government,
Law Department, Bangalore.

Sir,

Subject:- Practice in the disposal of suits and appeals filed in forma pauperis.

With reference to your letter No.P.1105/13 Law 46-38-9 dated 21/22-8-1939, calling for report on the subject noted above, I have the honour to state that according to G.O.No.R.11306-26 St.11-20-4 dated 21-4-29, the following procedure is being followed in this Office.

Soon after the notice in respect of suits filed in forma pauperis, is received from the courts of law, for service on the Deputy Commissioner, the Amildar of the Taluk, where the petitioner resides, will be directed to enquire as to the real status of the petitioner. If the Amildar reports that the petitioner is really insolvent, then this information will be intimated to the Munsiff or Judge and no further action will be taken after such intimation, till the decree in the suit is finally passed. There have been no instances where the petitioner/~~have~~ were found solvent and such fact intimated to the concerned Courts.

On receipt of copies of decrees from the Court re: the pauper suits, orders are issued to the Amildars concerned for the recovery of the institution fees due to Government from the judgment debtors. If the concerned Amildars finds that the party is able to pay up the same, a list of moveable or immoveable properties,

possessed by the defaulter, together with an encumbrance certificate of the scheduled properties in the suit, which have been made chargeable for the said dues, will be forwarded to this Office, in order to take further coercive steps in the court of law for recovering the amount.

Further, the Government dues will be recovered from the defaulter, by means of instituting execution proceeding in the concerned courts, by proceeding against the properties of the defaulter. When on enquiry, if it is found that prospects of recovering the institution fees awarded in pauper suits are very remote or slender and the collection of the amount cannot be effected without depriving the parties liable, of the actual means of their subsistance, such cases will be reported to this Office, with the Amildar's opinion fully setting forth the reasons for writing off the dues as irrecoverable. On receipt of such reports, a recommendation will be made to Government or the Commissioner of Stamps (in cases where the amount does not exceed Rs.100/-) for sanction to write off the amount as irrecoverable.

In cases of appeals, if the stay order has been issued from the appellate Court, the steps for the recovery of the amount will be stopped pending disposal of the appeal by the appellate Court.

I have the honour to be,
Sir,
Your most obedient servant,

DEPUTY COMMISSIONER
CHITALDRUG DIST.

2197/P

SECY. LAW DEPT. 29 SEP. 1939 GOVT O. MYSORE

REV. SECRETARIAT 29 SEP. 1939 PROTECTION BRANCH

No.L.Dis.C.1525/39-40.

Office of the Deputy Commissioner
Hassan District,
Dated Hassan, the 26th Sept. 1939

Law 46-38-12

From

T. Ramaiya, Esq., B.A.(Hons)
Deputy Commissioner, Hassan District.

To

C. Subrahmanya Aiyar, Esq., B.A., B.L.,
Secretary to Government, Law Department, Bangalore.

Sir,

Subject: Intimation of Institution of all pauper suits or appeals and watching progress till final disposal of the suits or appeals.

With reference to your letter No.P.1105-13/Law 46-38-9 dated 22nd August 1939 requesting to be informed of the practice that is prevailing in this office at present, in respect of suits and appeals filed in forma pauperis from the date of receipt of notice of suit or appeal till the satisfaction of decree, I have the honour to state as follows:-

The rules prescribed in G.O.No.R.11306-26/St.11-20-4 dated 11-4-21 and No.F.5730-41;S&.24-24-1 dated 20-4-25 are being followed. On receiving a notice in duplicate from the Court wherein party intends filing a suit in "forma pauperis" the original notice will be returned to the Court with an endorsement of service thereon and the duplicate with its enclosures will be sent to the Amildar within whose jurisdiction the party resides for enquiry and report regarding the real status of the applicant. On receipt of report with records of local enquiry and the opinion of the Amildar that the party owns no property of any kind etc., the records will be transmitted to the Court on or before the date of hearing fixed.

3. But if on such enquiry there appear to be circumstances in the applicant's case which prima facie disentitle him to sue as a pauper, the application would be opposed; cases of the kind appear to be very rare.

4. On receipt of a copy of decree from the Court for the recovery of institution fees in both cases wherein the suit is dismissed or decreed, the decree copy will be retained in this office and the Amildar will be asked to ascertain if the party is able to pay and pays it. He usually issues an ordinary notice to the party calling upon him to pay the dues, If he pays the amount in response to the notice the Amildar will credit the amount to the Treasury to the proper head of account and submits a report to this office in this behalf.

5. In cases in which the suit is dismissed, and the judgment debtor though being able, refuses to pay the institution fees local enquiry will be made regarding the ~~paxxi~~ properties owned by the judgment debtor. An encumbrance certificate and valuation statement will be obtained and forwarded to a lawyer for his opinion. If on local enquiry and legal advice, it is found expedient to institute execution proceedings a lawyer will be engaged for the recovery of the amount by attachment sale etc., of the said properties as laid down in the Civil Procedure Code, and the institution fee with costs would be recovered. In cases where the suit is dismissed, and the plaintiff is made liable to pay the institution fee due to Government, the amount will be recommended to be remitted if the judgment debtor is ascertained to own no properties of any kind, and the Government dues have not been made the first charge on the schedule properties.

6. In cases in which the suit is allowed and decreed, the Judgement debtor will be asked to pay the institution fees as enunciated in para 4 supra. If he pays the amount no further action would be taken. The party being able to pay refuses to pay the Government dues, the schedule properties on which the institution fee has been made the first charge, would be proceeded against care being taken to see that they are not previously encumbered, and execution proceedings will be launched in the Civil Court issuing the decree A local lawyer would be engaged to conduct the case to its finality. If the schedule properties are encumbered, other properties belonging to the judgment debtor will be proceeded against for the recovery of institution fees due to Government.

If in case of both failure and success of the party in a paupe suit, if it is disclosed that there are no means for recovery of th amount, they will be brought on remission list and got written off the accounts as laid down in G.O.No.R.11306-26 St.11-20-4 dated the 11th April 1921.

Quarterly progress statements of these execution cases will be obtained from the lawyers and the progress is watched, and instructions issued wherever necessary.

I have the honour to be,
Sir,
Your most obedient servant,

Deputy Commissioner,
Hassan District.

OFFICE OF THE DEPUTY COMMISSIONER,
MYSORE DISTRICT.

IMMEDIATE.

No. L.Dis.D9.1753/39-40.

Encl.

2392/P

Dated, Mysore, the ..... 4th October *193* 9

Law

SECY. LAW DEPT. 30/10/39

FROM

K. SUBBA RAO, ESQ., B.A.,
~~M.C.&.M.E.H.K.R.I., Esq., B.A., B.L.,~~,
Deputy Commissioner, Mysore District.

To

C. SUBRAHMANYA AIYAR, ESQ., B.A., B.L.,
Secretary to the Government of Mysore,
Law Department, *Bangalore.*

SIR,

Subject:- Intimation of institution of all pauper suits or appeals and watching progress till final disposal of the suits or appeals.

With reference to your Letter No.P.1105-13/Law.46-38-9 dated 22-8-39 regarding the practice now prevailing in this office in respect of suits and appeals filed in 'forma pauperis' in Courts within the jurisdiction of this District, I have the honor to state that soon after the receipt of a notice under Rule 6, Order XXXIII of the Civil Procedure Code, in connection with an application to sue in 'forma pauperis' necessary enquiries will be initiated as to the real status of the applicant If, after enquiry, it is found that applicant is really a pauper, such application will not be disputed. But if on the other hand, the enquiry shows that the applicant has the necessary means to file a suit in the ordinary way the Court will be informed accordingly.

After the disposal of the suit when a copy of the Decree is received from the Court for the recovery of the Institution fee due to Government, the Amildars will be asked to demand the amount from the party concerned and if the amount is not voluntarily paid, an application for the execution of the decree will be filed either through the Public Prosecutor or a Pleader engaged locally.

If subsequently it is found on enquiry that there are no prospects of recovering the Institution fee awarded in the

the suit and if the fee is not a charge on any property under decree, a recommendation will be made to write off the amount as irrecoverable. A quarterly statement of all cases with explanatory notes will be sent to the Commissioner of Stamps.

I have the honor to be,
Sir,
Your most obedient servant,

For Deputy Commissioner,
Mysore District.
By Absent from Station

OFFICE OF THE DEPUTY COMMISSIONER,
MANDYA DISTRICT,

No. C.2172/39-40
Enc.

Mandya, dated, 28th Octr. 39 *19*

Law 46-38-14

FROM

S. RAGHAVENDRA RAO, Esq., M.A. (HONS.),
DEPUTY COMMISSIONER, MANDYA DISTRICT,
MANDYA.

SECY. LAW DEPTT. 2 NOV. 1939 GOVT OF MYSORE

TO

C. Subrahmanya Aiyar, Esq., B.A., B.L.,
SECRETARY TO THE GOVERNMENT OF MYSORE,
.....Law..... DEPARTMENT,
BANGALORE.

SIR,

Subject:-Intimation of institution of all pauper suits or appeals and watching progress till final disposal of the suits or appeals.

--:000:--

With reference to your letter No.P.1105-13/Law.46-38-9 dated 21/22nd August 1939 calling for information about the practice now prevailing in respect of suits and appeals filed in forma pauperis in Courts of this District, I have the honour to state that this is a new District and as such instructions have been issued to all the Amildars to follow the procedure prescribed in G.O.No.R.11306-26-S&T-11-20-4 dated 11th April 1921 (page 287 of Stamp Manual) and this is being followed.

I have the honour to be,
Sir,
Your most obedient servant,

By Raghavendra R

30.10

DEPUTY COMMISSIONER,
MANDYA DISTRICT.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No. P-8053-61/ General and Revenue Secretariat,

Dated Bangalore, ..the...13th..June....1945

FROM

The Secretary to the Government of
His Highness the Maharaja of Mysore.
LAW DEPARTMENT.

To

The Deputy Commissioners of all Districts.

Sir,

S/K/ Subject:- WATCHING OF PROGRESS IN PAUPER SUITS AND APPEALS.

I am directed to state that it has come to the notice of Government that prompt steps have not been taken to recover the institution fee due to Government on the reason either of delay in in receipt of decree copies from court or of their non-receipt and to request you to maintain a special register of pauper suits and appeals from the time of receipt of notice from Court under O.33 R 6 or O.44 R1C.P.C. and watch the progress of these cases till they are finally disposed of and ascertain the results from the Court concerned. If there were to be a decree for institution fee steps may be taken for recovery in accordance with the instructions contained in the Manual of Rules for the conduct of the legal affairs of Government and send an extract of the Register maintained under rule 127 after the receipt of the decree copy from court every half year as ~~required~~ required under rule 139.

I have the honour to be, Sir,
Your most obedient servant,

for SECRETARY TO GOVERNMENT,
LAW DEPARTMENT.

To

The Deputy ~~Commissioners~~
Commissioners
of all Districts

No P. 8053-61
Dated 14-6-45

Subject: Watching of progress in pauper suits and appeals

Sir

I am directed to state that it has come to the notice of Govt that prompt steps have not been taken to recover the institution fee due to Govt on the reason ~~of the~~ either of delay in receipt of decree copies from Courts or of their non receipt and ~~to state that Govt Consider it necessary that you should~~ to request you to maintain a special register of pauper suits and appeal

from the time of receipt of notice from court under O.33.R6 or O.44.R1(1) and watch the progress of these cases till they are finally disposed of and ascertain the results from the Court concerned. If there were to be a decree for costs/taxation fee steps may be taken for recovery in accordance with the instructions contained in the Manual of Rules for the conduct of the legal affairs of Govt. and send an extract of the Register maintained under Rule 127 ~~[illegible]~~ after the receipt of the decree copy from Court every half year as required under Rule 129.